



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3635

Introduced 2/24/2005, by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

5 ILCS 20/7	from Ch. 1, par. 109
10 ILCS 5/21-2	from Ch. 46, par. 21-2
10 ILCS 5/22-1	from Ch. 46, par. 22-1
10 ILCS 5/22-3	from Ch. 46, par. 22-3
10 ILCS 5/22-7	from Ch. 46, par. 22-7
10 ILCS 5/22-17	from Ch. 46, par. 22-17

Amends the Illinois Constitutional Amendment Act and the Election Code. Changes various canvassing periods for the State Board of Elections and local election authorities following elections. Shortens the period after an election in which the winner of a tied race must be determined by lot. Requires election authorities to deliver certificates of results of public question votes to the county canvassing board within 48 hours of receiving the returns. Effective immediately.

LRB094 08475 JAM 38681 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Constitutional Amendment Act is
5 amended by changing Section 7 as follows:

6 (5 ILCS 20/7) (from Ch. 1, par. 109)

7 Sec. 7. The State Board of Elections created by The
8 Election Code shall proceed, within 22 ~~20~~ days after the
9 election and sooner if all the returns are received, to canvass
10 the votes given for and against said amendment or amendments,
11 as shown by said abstracts, and if it appears that a majority
12 of the electors voting in the election or 3/5 of the electors
13 voting on any such proposed amendment have voted for the
14 proposed amendment or amendments, the same shall by said board
15 be declared adopted, and become a part of the constitution of
16 this state, and the governor shall cause proclamation to be
17 made of the result of the vote, and that said amendment has
18 become a part of the constitution, by publication in at least 2
19 newspapers published at the seat of government.

20 (Source: P.A. 77-2790.)

21 Section 10. The Election Code is amended by changing
22 Sections 21-2, 22-1, 22-3, 22-7, and 22-17 as follows:

23 (10 ILCS 5/21-2) (from Ch. 46, par. 21-2)

24 Sec. 21-2. The county clerks of the several counties shall,
25 within 15 ~~21~~ days next after holding the election named in
26 subsection (1) of Section 2A-1.2 and Section 2A-2 make 2 copies
27 of the abstract of the votes cast for electors by each
28 political party or group, as indicated by the voter, as
29 aforesaid, by a cross in the square to the left of the bracket
30 aforesaid, or as indicated by a cross in the appropriate place

1 preceding the appellation or title of the particular political
2 party or group, and transmit by mail one of the copies to the
3 office of the State Board of Elections and retain the other in
4 his office, to be sent for by the electoral board in case the
5 other should be mislaid. Within 31 days after the holding of
6 such election, and sooner if all the returns are received by
7 the State Board of Elections, the State Board of Election,
8 shall proceed to open and canvass said election returns and to
9 declare which set of candidates for President and
10 Vice-President received, as aforesaid, the highest number of
11 votes cast at such election as aforesaid; and the electors of
12 that party whose candidates for President and Vice-President
13 received the highest number of votes so cast shall be taken and
14 deemed to be elected as electors of President and
15 Vice-President, but should 2 or more sets of candidates for
16 President and Vice-President be returned with an equal and the
17 highest vote, the State Board of Elections shall cause a notice
18 of the same to be published, which notice shall name some day
19 and place, not less than 5 days from the time of such
20 publication of such notice, upon which the State Board of
21 Elections will decide by lot which of the sets of candidates
22 for President and Vice-President so equal and highest shall be
23 declared to be highest. And upon the day and at the place so
24 appointed in the notice, the board shall so decide by lot and
25 declare which is deemed highest of the sets of candidates for
26 President and Vice-President so equal and highest, thereby
27 determining only that the electors chosen as aforesaid by such
28 candidates' party or group are thereby elected by general
29 ticket to be such electors.

30 (Source: P.A. 93-847, eff. 7-30-04.)

31 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

32 Sec. 22-1. Abstracts of votes. Within 15 ~~21~~ days after the
33 close of the election at which candidates for offices
34 hereinafter named in this Section are voted upon, the county
35 clerks of the respective counties, with the assistance of the

1 chairmen of the county central committees of the Republican and
2 Democratic parties of the county, shall open the returns and
3 make abstracts of the votes on a separate sheet for each of the
4 following:

5 A. For Governor and Lieutenant Governor;

6 B. For State officers;

7 C. For presidential electors;

8 D. For United States Senators and Representatives to
9 Congress;

10 E. For judges of the Supreme Court;

11 F. For judges of the Appellate Court;

12 G. For judges of the circuit court;

13 H. For Senators and Representatives to the General
14 Assembly;

15 I. For State's Attorneys elected from 2 or more counties;

16 J. For amendments to the Constitution, and for other
17 propositions submitted to the electors of the entire State;

18 K. For county officers and for propositions submitted to
19 the electors of the county only;

20 L. For Regional Superintendent of Schools;

21 M. For trustees of Sanitary Districts; and

22 N. For Trustee of a Regional Board of School Trustees.

23 Multiple originals of each of the sheets shall be prepared
24 and one of each shall be turned over to the chairman of the
25 county central committee of each of the then existing
26 established political parties, as defined in Section 10-2, or
27 his duly authorized representative immediately after the
28 completion of the entries on the sheets and before the totals
29 have been compiled.

30 The foregoing abstracts shall be preserved by the county
31 clerk in his office.

32 Whenever any county chairman is also county clerk or
33 whenever any county chairman is unable to serve as a member of
34 such canvassing board the vice-chairman or secretary of his
35 county central committee, in that order, shall serve in his
36 place as member of such canvassing board; provided, that if

1 none of these persons is able to serve, the county chairman may
2 appoint a member of his county central committee to serve as a
3 member of such canvassing board.

4 The powers and duties of the county canvassing board are
5 limited to those specified in this Section. In no event shall
6 such canvassing board open any package in which the ballots
7 have been wrapped or any envelope containing "defective" or
8 "objected to" ballots, or in any manner undertake to examine
9 the ballots used in the election, except as provided in Section
10 22-9.1 or when directed by a court in an election contest. Nor
11 shall such canvassing board call in the precinct judges of
12 election or any other persons to open or recount the ballots.
13 (Source: P.A. 93-847, eff. 7-30-04.)

14 (10 ILCS 5/22-3) (from Ch. 46, par. 22-3)

15 Sec. 22-3. When two (2) or more persons receive an equal
16 and the highest number of votes for an office to be filled by
17 the county alone, the county clerk shall issue a notice to such
18 persons of such tie vote, and require them to appear at his
19 office, on a day named in the notice, no later than 15 ~~21~~ days
20 following an election, and determine by lot which of them is to
21 be declared elected.

22 (Source: P.A. 93-847, eff. 7-30-04.)

23 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

24 Sec. 22-7. Canvass of votes; declaration and proclamation
25 of result. The State Board of Elections, shall proceed within
26 22 ~~31~~ days after the election, and sooner if all the returns
27 are received, to canvass the votes given for United States
28 Senators and Representatives to Congress, State executive
29 officers, judges of the Supreme Court, judges of the Appellate
30 Court, judges of the Circuit Court, Senators, Representatives
31 to the General Assembly, State's Attorneys and Regional
32 Superintendents of Schools elected from 2 or more counties,
33 respectively, and the persons having the highest number of
34 votes for the respective offices shall be declared duly

1 elected, but if it appears that more than the number of persons
2 to be elected have the highest and an equal number of votes for
3 the same office, the electoral board shall decide by lot which
4 of such persons shall be elected; and to each person duly
5 elected, the Governor shall give a certificate of election or
6 commission, as the case may require, and shall cause
7 proclamation to be made of the result of the canvass, and they
8 shall at the same time and in the same manner, canvass the vote
9 cast upon amendments to the Constitution, and upon other
10 propositions submitted to the electors of the entire State; and
11 the Governor shall cause to be made such proclamation of the
12 result of the canvass as the statutes elsewhere provide. The
13 State Board of Elections shall transmit to the State
14 Comptroller a list of the persons elected to the various
15 offices. The State Board of Elections shall also transmit to
16 the Supreme Court the names of persons elected to judgeships in
17 adversary elections and the names of judges who fail to win
18 retention in office.

19 (Source: P.A. 93-847, eff. 7-30-04.)

20 (10 ILCS 5/22-17) (from Ch. 46, par. 22-17)

21 Sec. 22-17. (a) Except as provided in subsection (b), the
22 canvass of votes cast at the nonpartisan and consolidated
23 elections shall be conducted by the following canvassing boards
24 within 21 days after the close of such elections:

25 1. For city offices, by the mayor, the city attorney
26 and the city clerk.

27 2. For village and incorporated town offices, by the
28 president of the board of trustees, one member of the board
29 of trustees, and the village or incorporated town clerk.

30 3. For township offices, by the township supervisor,
31 the eligible town trustee elected in the township who has
32 the longest term of continuous service as town trustee, and
33 the township clerk.

34 4. For road district offices, by the highway
35 commissioner and the road district clerk.

1 5. For school district or community college district
2 offices, by the school or community college district board.

3 6. For special district elected offices, by the board
4 of the special district.

5 7. For multi-county educational service region
6 offices, by the regional board of school trustees.

7 8. For township trustee of schools or land
8 commissioner, by the township trustees of schools or land
9 commissioners.

10 9. For park district offices, by the president of the
11 park board, one member of the board of park commissioners
12 and the secretary of the park district.

13 10. For multi-township assessment districts, by the
14 chairman, clerk, and assessor of the multi-township
15 assessment district.

16 (b) The city canvassing board provided in Section 22-8
17 shall canvass the votes cast at the nonpartisan and
18 consolidated elections for offices of any political
19 subdivision entirely within the jurisdiction of a municipal
20 board of election commissioners.

21 (c) The canvass of votes cast upon any public questions
22 submitted to the voters of any political subdivision, or any
23 precinct or combination of precincts within a political
24 subdivision, at any regular election or at any emergency
25 referendum election, including votes cast by voters outside of
26 the political subdivision where the question is for annexation
27 thereto, shall be canvassed by the same board provided for in
28 this Section for the canvass of votes of the officers of such
29 political subdivision. However, referenda conducted throughout
30 a county and referenda of sanitary districts whose officers are
31 elected at general elections shall be canvassed by the county
32 canvassing board. The transmittal of the certificate of results
33 to the county canvassing board shall be subject to the same
34 timing requirements contained in Section 7-56(8) of this Code.

35 The votes cast on a public question for the formation of a
36 political subdivision shall be canvassed by the circuit court

1 that ordered the question submitted, or by such officers of the
2 court as may be appointed for such purpose, except where in the
3 formation or reorganization of a school district or districts
4 the regional superintendent of schools is designated by law as
5 the canvassing official.

6 (d) The canvass of votes for offices of political
7 subdivisions cast at special elections to fill vacancies held
8 on the day of any regular election shall be conducted by the
9 canvassing board which is responsible for canvassing the votes
10 at the regularly scheduled election for such office.

11 (Source: P.A. 93-847, eff. 7-30-04.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.